

03500.017629

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	)	
	:	Examiner: Unassigned
MITSURO SUGITA	)	
	:	Group Art Unit: 2826
Application No.: 10/527,840	)	
	:	Confirmation No.: 1824
Filed: March 15, 2005	)	
	:	
For: SENSOR	)	June 6, 2007

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

SUBMISSION OF INFORMATION

Sir:

Enclosed for the Examiner's information is a copy of a European Search Report that was received in connection with Applicant's corresponding European application.

The documents identified in the Search Report were cited in the Information Disclosure Statement filed March 15, 2005.

It is submitted that no fee is necessary in connection with this paper. Nonetheless, any fee deemed necessary should be charged to Deposit Account No. 06-1205.

Appln. No.: 10/527,840

Applicant's undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,

/Scott D. Malpede/

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Application No. 03 751 462.7 - 2204	Ref. EP 44506	Date 03.04.2007
Applicant CANON KABUSHIKI KAISHA		

**Communication pursuant to Article 96(2) EPC**

The examination of the above-identified application has revealed that it does not meet the requirements of the European Patent Convention for the reasons enclosed herewith. If the deficiencies indicated are not rectified the application may be refused pursuant to Article 97(1) EPC.

You are invited to file your observations and insofar as the deficiencies are such as to be rectifiable, to correct the indicated deficiencies within a period

**of 4 months**

from the notification of this communication, this period being computed in accordance with Rules 78(2) and 83(2) and (4) EPC.

One set of amendments to the description, claims and drawings is to be filed within the said period on separate sheets (Rule 36(1) EPC).

**Failure to comply with this invitation in due time will result in the application being deemed to be withdrawn (Article 96(3) EPC).**



Stübner, Benno  
Primary Examiner  
for the Examining Division

Enclosure(s): 3 page/s reasons (Form 2906)

**Bescheid/Protokoll (Anlage)**

Datum  
Date 03.04.2007  
Date

**Communication/Minutes (Annex)**

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**Notification/Procès-verbal (Annexe)**

Anmelde-Nr.:  
Application No.: 03 751 462.7  
Demande n°:

The examination is being carried out on the **following application documents**:

**Description, Pages**

1-42 as published

**Claims, Numbers**

1-22 as published

**Drawings, Sheets**

1/15-15/15 as published

1. The following documents (D) are referred to in this communication; the numbering will be adhered to in the rest of the procedure:

D1: US-A-5754333  
D2: JP-A-10284806  
D3: US-A-5892586  
D4: US-A-5500540  
D5: US-B1-6327287

2. Claims 1, 18 and 21, although formally independent from each other, are devoted to the same apparatus and are based on the same solution principle of the problem underlying this apparatus, differences between these claims concerning merely the

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Anmelde-Nr.:  
Application No.: 03 751 462.7  
Demande n°:

extent to which this apparatus is defined. In view of the requirements of Article 84 EPC as to conciseness and the provisions of Rules 29(2), (3) and (4), the appropriate form of claims in these circumstances would appear to consist in a set of apparatus claims comprising a single independent claim specifying the most general embodiment followed by dependent claims stating the optional features only.

In view of the above objection it is not at present practicable to carry out a full examination of the application. The applicant is therefore requested to file suitable amendments upon which the further prosecution of the application is to be based. However, in order to accelerate the proceedings the following points should be noted:

3. In D1 (see e.g. col.13, l.32 to col.14, l.3; col.14, l.66 to col.15, l.4; Figs.5-7, 10B) a sensor is described comprising all features corresponding to Claim 1.

It should be noted that also the sensor according to D1 comprises "an active layer in which light emission is limited by the influence....". Furthermore, also according to the known sensor "the light emission is changed according to a change in the environmental condition".

Thus, Claim 1 lacks novelty.

It should be noted that the wording "changing a degree of selection of a photoelectric field mode" is unclear.

4. However, as far as the claims are understood, the subject-matter of Claim 3 may involve an inventive step in case it is clearly disclosed that the environmental condition of the active layer is changed.

Claims 4-16 could be made dependent therefrom.

Claim 17 should be drafted as a use claim.

**Beschaid/Protokoll (Anlage)**

Datum  
Date  
Date 03.04.2007

**Communication/Minutes (Annex)**

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**Notification/Procès-verbal (Annexe)**

Anmelde-Nr.:  
Application No.:  
Demande n°: 03 751 462.7

5. If, in spite of the above-mentioned objections, the applicant wishes to proceed further, the following additional points should be noted, i.e. the corresponding amendments provided:
- 5.1 Documents D1 and D3 to D5 should be mentioned and their contents briefly commented on in the introductory part of the description.
- 5.2 The introductory part of the description should contain statements agreeing with any independent claim submitted (Rule 27(1) EPC).
- 5.3 Any new independent claim should be submitted in the two-part form set out in Rule 29(1) EPC.
- 5.4 In the new set of claims reference signs should be inserted in brackets following those features which are so numbered in the figures (Rule 29(7) EPC).
- 5.5 If new features are taken into the claims, Article 123(2) of the EPC should not be infringed and it would probably accelerate the examining process if it were indicated from which part of the application any such features are taken.